

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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|---------------------------------------|---|-------------------------------|
| THADDEAS V. BICKHAM,                  | ) |                               |
|                                       | ) |                               |
| Plaintiff,                            | ) | Case No. 1:05-cv-18           |
|                                       | ) |                               |
| v.                                    | ) | Honorable Richard Alan Enslen |
|                                       | ) |                               |
| CITY OF GRAND RAPIDS, <i>et al.</i> , | ) |                               |
|                                       | ) |                               |
| Defendants.                           | ) |                               |
|                                       | ) |                               |

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**ORDER**

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. By order entered January 13, 2005 (Dkt. No. 3), the Court granted Plaintiff's request to proceed *in forma pauperis* and required Plaintiff to pay an initial partial filing fee of \$23.12 pursuant to 28 U.S.C. § 1915(b)(1). The Court ordered that the initial partial filing fee be paid within thirty days, and warned Plaintiff that his case would be dismissed without prejudice should he fail to pay. The Court also warned Plaintiff that he would remain liable for the filing fee. The Court received payment of the initial partial filing fee on March 9, 2005, but it was erroneously applied to money owed by Plaintiff in a criminal case in this Court. *See United States v. Bickham*, No. 1:02-cr-263 (W.D. Mich.). Consequently, this civil rights action was dismissed without prejudice on April 15, 2005, for failure to pay the initial partial filing fee.

Plaintiff now moves to reinstate his case (Dkt. No. 5). Had the initial partial filing fee been properly credited to this case upon receipt, it would have been almost a month late. In his motion, Plaintiff claims that upon receipt of the Court's order, he immediately requested a

disbursement from his prisoner account to pay the initial partial filing fee. His allegations suggest that there may have been delays in the processing of his request or in the prison mail system. In any event, Plaintiff paid the fee before the Court dismissed this action on April 15. Moreover, the Court is lenient in granting additional time for the payment of fees. Therefore:

**IT IS HEREBY ORDERED** that Plaintiff's motion to reinstate this civil rights action (Dkt. No. 5) is **GRANTED**, and the case shall be reopened for further proceedings.

**IT IS FURTHER ORDERED** that the Clerk of the Court shall docket the receipt of \$23.12 in this Court on March 9, 2005.

DATED in Kalamazoo, MI:  
July 19, 2005

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
UNITED STATES DISTRICT JUDGE